

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

U. S. BEVERAGE, INC., )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 2:06cv496-MEF  
JOHN BUSTER WALKER, II, et al., )  
Defendants. )  

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JOHN BUSTER WALKER, II, et al., )  
Counterclaim Plaintiffs, )  
v. )  
U. S. BEVERAGE, INC., )  
Counterclaim Defendant, )  
and )  
GRADY DOWLING KITTRELL, )  
et al., )  
Third Party Defendants. )

## ORDER

Upon consideration of defendants' emergency motion to compel, and for good cause, it is

ORDERED that the motion be and hereby is DENIED as moot, without prejudice, in light of the resolution reached by the parties in the telephone conference held this date.

DONE, this 19<sup>th</sup> day of April, 2007.

/s/ Susan Russ Walker

SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE